

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, June 11, 2012 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

ABSENT:	James Stradley	----	Council Member
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Supervisor Livsey opened the meeting at 7:00pm.

PUBLIC COMMENT

Ed Magryta said that the information about the Police Contract negotiations that was in the newspaper was incorrect.

Council Member Gunza stated that that is the information she and Council Member Stradley received from the Mediator.

James Grant said that Doris Lent has been asking for an area by Garrison's Pond to be cleaned up.

Supervisor Livsey said he would look into it.

Dan Zint asked the Supervisor what the discussion on the Court Attendant was about.

Supervisor Livsey said it was pertaining to Mr. Zint carrying a weapon.

MINUTES

Council Member Edsall made a motion seconded by Council Member Gokey to approve the minutes from the May 29, 2012 Town Board meeting.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gunza, Gokey)
0-nays
1-absent (Stradley)

COMMUNICATIONS

Supervisor Livsey received an invitation to attend the O'Neill Graduation. The Supervisor is unable to go and offered his seat to a Board member.

Supervisor Livsey received a letter about a Colonial High Tea that will be held on July 2.

Supervisor Livsey said Hudson Valley Pattern for Progress will be holding 2 seminars soon.

Supervisor Livsey said he wrote a letter to the Village supporting their grant application to the Orange County Block Grant Program for the purchase of the old K of C hall to use as a Senior Center.

RESOLUTIONS

Standard Workday Resolution:

Council Member Gokey made a motion seconded by Council Member Gunza to approve the Standard Workday Resolution.

**RESOLUTION ADOPTED: 4-ayes (Livsey, Edsall, Gunza, Gokey)
0-nays
1-absent (Stradley)**

******RESOLUTION ATTACHED******

BOARD REPORTS

Council Member Edsall:

Sewer: The pump stations have been cleaned out, which is done periodically.

Water: Easements are coming along and he is following up on the recent mailings.

Council Member Gunza:

Ambulance: The Ambulance Corps was very busy during May. Two more members have been recognized.

Police: Chief Quinn is attending an FBI school.

Emergency Management: The next Emergency Management Meeting is on June 27, 2012.

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Council Member Gokey:

Highway Department: Discuss later in the meeting.

IT: The new Town Hall and KVS servers are up and running and there is a new exchange to access e-mail from outside.

Council Member Gokey said she and Ms. Blauvelt are working on the Violence in the Workplace Procedures.

Assessor: The new assessment roll will be available soon.

SUPERVISOR'S REPORT

Supervisor Livsey said he is still getting calls about the water bills, but it is coming along.

Supervisor Livsey reported that the Empire Plan is predicting a 10% increase in the health insurance costs.

Council Member Gokey said she and Ms. Blauvelt are working on getting quotes from different providers.

Supervisor Livsey said that number would be the same as the police if they get the 3 ½ %.

Supervisor Livsey said that if the Town had a full-time Police Department, it would cost an additional \$6 more per hour with benefits. The Supervisor stated that it would be a challenge for the Town to come up with the 3 ½ % for 3 years and that he doesn't like having his back against the wall. The Supervisor also said that the anticipated cost of arbitration would be approximately \$30-45,000.

UNFINISHED BUSINESS

Police Collective Bargaining Contract:

Council Member Gunza said the negotiating team did not have much leeway. Ms. Gunza said whichever way the contract goes, someone is not going to be happy, but asked everyone to remember that having a part-time police department saves the Town a substantial amount of money.

Council Member Edsall said the level of service the community receives from the part-time Police Department is something very few have. Mr. Edsall said the Board needs to keep in mind the cost of arbitration and that if there is a vote tonight he will vote to go to arbitration.

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Council Member Gokey reminded the Board about the 2% tax cap. Ms. Gokey also said that the Town successfully negotiated the Highway Contract at 2% with longevity for some. Ms. Gokey said she would vote no for the 3 ½ %.

Supervisor Livsey said that he researched different municipalities and 2 ½ % or lower seems to be the standard.

Supervisor Livsey asked if the Board wanted to vote.

Council Member Edsall made a motion seconded by Council Member Gunza to approve the Collective Bargaining Agreement with the Police Benevolent Association with the only change to the prior contract being a 3 ½ % raise for the 3 contractual years.

MOTION DEFEATED: 1-aye (Gunza)
2-nays (Edsall, Gokey)
1-absent (Stradley)
1-abstain (Livsey)

GENERAL BUSINESS

Dial-B-Bus:

Supervisor Livsey reported that Ms. Solan has received an agreement from the Town of Monroe that will the Town of Highlands Dial-A-Bus to go there. The Supervisor said he would like the Board's permission to sign the agreement.

Council Member Gokey made a motion seconded by Council Member Gunza to authorize Supervisor Livsey to sign the agreement between the Town of Highlands Dial-A-Bus and the Town of Monroe.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gunza, Gokey)
0-nays
1-absent (Stradley)

Building Department Hours:

Supervisor Livsey received a request from Mr. Hager to tweek the Building Dept hours.

The Board agreed to the change.

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Review of Town Code - Unsafe Buildings:

Justin Rider said the Building Inspector believes that the Town Code for Unsafe Buildings is outdated and recommended some changes.

Supervisor Livsey said that Mr. Hager suggested that the Town model their code after the Village's. The Supervisor asked Council Member Edsall, Mr. Hager and Mr. Rider to sit down and put a code together to present to the Board.

#28 Hemlock St Demolition & Cleanup:

Mr. Rider said the Town is at the point in the process where all the notices have been served, the survey has been done and it has been recommended that demolition of substantial structures on this property be done. Mr. Rider explained that the Board would need to authorize the Supervisor to submit an application to the Supreme Court of NY in Orange County to ask that the property be demolished in accordance with the survey.

Council Member Gokey asked about any back taxes.

Mr. Rider said that any costs will be put on the next tax bill.

Council Member Gokey made a motion seconded by Council Member Edsall to adopt the Resolution authorizing unsafe building procedure pursuant to Chapter 88 entitled: "Buildings, Unsafe" of the Code of the Town of Highlands application to Supreme Court.

RESOLUTION ADOPTED: 4-eyes (Livsey, Edsall, Gunza, Gokey)

0-nays

1-absent (Stradley)

******RESOLUTION ATTACHED******

Numbers on Buildings:

Supervisor Livsey asked Mr. Hager to address the audience about the numbering of buildings.

Mr. Hager explained that Orange County 911 requires that all buildings be numbered. Mr. Hager would like to review the local code and asked if the Board wanted to use the State code while this is done.

The Board was ok with that.

Supervisor Livsey said that if a house is too far from the street, a pole should be placed at the end of the driveway with the number on it.

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Water District #2 Contract:

Supervisor Livsey said this contract should have been done sooner, but there was a lack of cooperation from the Trust. The Supervisor said that if anyone wanted a copy of the contract, they could FOIL it from the Town Clerk.

Mr. Rider discussed some of the content of the contract.

Council Member Gokey said that the attorney fees need to be filled in before the contract is signed.

Mr. Rider said the new copies have the amount filled in.

Supervisor Livsey said the Town will not be paying over \$185/hour for attorney fees.

Council Member Gunza would like the Comptroller to review all charges.

Ed Stanley asked how many attorneys there were.

Mr. Rider said that there were 3 at the moment, but 1 would be going after certain things were complete.

Council Member Gokey made a motion seconded by Council Member Edsall to adopt the resolution to authorize a contract between the Samuel G. Fredman Water Trust and the Town of Highlands Water District #2 in connection with the Water District increase to maximum expenditure.

**RESOLUTION ADOPTED: 4-eyes (Livsey, Edsall, Gunza, Gokey)
0-nays
1-absent (Stradley)**

******RESOLUTION ATTACHED******

Police Personnel Hiring:

Council Member Gunza said that 2 officers have resigned and they need to be replaced. Ms. Gunza has 2 gentlemen that Chief Quinn would like the Board to hire.

Council Member Gunza made a motion seconded by Council Member Gokey to hire Raymondhar Maeang and Nicholas Vega as part-time police officers at the beginning salary and the maximum probationary period.

**MOTION CARRIED: 4-eyes (Livsey, Edsall, Gunza, Gokey)
0-nays
1-absent (Stradley)**

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Supervisor Livsey stated that the Board is hiring these men to cover shifts.

Council Member Gunza said that the part-time police officers will be out of hours before the end of the year.

Court Attendant Discussion:

Supervisor Livsey said he was approached about Dan Zint carrying a Taser. The Supervisor discovered that he shouldn't be carrying any weapon.

Mr. Zint said he did everything he was supposed to do and doesn't see a problem.

Supervisor Livsey said if he is not authorized to carry a weapon, it is a liability to the Town and he asked Mr. Zint to not carry until everything is figured out.

Judge Donaldson said that appointing Special Police to the Court might be a solution.

Supervisor Livsey said he doesn't have a problem with that.

Judge Donaldson asked Mr. Rider to look into to that.

Supervisor Livsey asked that Mr. Zint not carry a weapon until this is sorted out.

Judge Donaldson agreed.

Council Member Gunza asked what qualifications were needed to be a Special Police officer.

Judge Fatsis said Peace Officer Training.

Mr. Rider said he would review the Judges' proposals.

Highway Department Time Clock:

Supervisor Livsey said this will be discussed at the next meeting when Council Member Stradley is here.

Former Employee's Claim for Back Wages Discussion:

Supervisor Livsey said the Comptroller is satisfied that this person was paid her wages and vacation time, but not the insurance buyout.

Mr. Magryta said the Clerk in the Comptroller's office researched this and the handbook is clear about not being eligible for the insurance buyout if you leave early or are terminated.

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Supervisor Livsey asked the Board to speak to the Comptroller about this.

PUBLIC COMMENT

Pat Flynn said that at the last Village meeting it was discussed about having banners congratulating the graduating class. Mr. Flynn asked the Board to work on this program with the Village.

Council Member Gunza said that the Chamber had banners a couple of years ago, but they are having difficulty with their membership. Mr. Gunza said that maybe this might be something Vision might consider taking on.

Ann Scott thanked the Board for moving ahead with the water project. Ms. Scott also asked the Board to advertise the Dial-A-Bus trips as shopping, not grocery.

Pharoby Ripa asked about the "Safe Home" project that previous Council Member Tautel mentioned last year.

Council Member Gokey will call Ms. Tautel and ask her where it left off.

Council Member Gokey asked about the issue with the light at the Police Station.

Council Member Gunza said the resident has contacted her and Supervisor Livsey. Mr. Gunza said that at the last meeting, the survey was approved and the issue is being worked on.

Supervisor Livsey said that a barrier needs to be put up, but a survey is needed first.

ADJOURN

Council Member Edsall made a motion seconded by Council Member Gokey to adjourn the meeting. Meeting adjourned at 9:00pm.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gunza, Gokey)
0-nays
1-absent (Stradley)

Attest,

RESOLUTION

OF

JUNE 11, 2012

A RESOLUTION TO AUTHORIZE
A CONTRACT BETWEEN THE SAMUEL G. FREDMAN
WATER TRUST AND THE TOWN OF
HIGHLANDS WATER DISTRICT #2
IN CONNECTION WITH THE WATER DISTRICT
INCREASE TO MAXIMUM EXPENDITURE

Council Member **Gokey** moved the following resolution which was seconded by Council **Edsall**.

WHEREAS, the Town of Highlands on behalf of Town of Highlands Water District #2 has passed an Order of Public Interest in the matter of the Town of Highlands Water District #2 increase to maximum expenditure (the "Project");

WHEREAS, the Town Board now seeks to contract with the Samuel G. Fredman Water Trust in accordance with the contract attached hereto as Exhibit A (the "Agreement") which contract allocates the responsibility for payment of the costs of the Project; and

WHEREAS, the Town Board on behalf of Water District #2 deems it to be in the public interest for the Town of Highlands to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Highlands on behalf of Water District #2 hereby does approve and authorize the entry into and execution of the Agreement and does hereby ratify all prior actions of the Board in the negotiation of the Agreement; and

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town of Highlands Water District #2, all such certificates, agreements, documents

and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and agreements; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman voting **Absent**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Aye**

Mervin R. Livsey, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on June 11, 2012.

June Patterson, Town Clerk

RESOLUTION

OF

JUNE 11, 2012

A RESOLUTION AUTHORIZING
UNSAFE BUILDING PROCEDURE
PURSUANT TO CHAPTER 88
ENTITLED "BUILDINGS, UNSAFE"
OF THE CODE TOWN OF HIGHLANDS:
APPLICATION TO SUPREME COURT

Council Member **Gokey** moved the following resolution which was seconded by Council Member **Edsall**.

WHEREAS, the Building Inspector of the Town, John Hager has performed an inspection of the premises located at 28 Hemlock Street, designated on the Tax Map of the Town of Highlands as Section 11, Block 1, Lot 7; and

WHEREAS, based on the inspection, the Building Inspector had recommended that the Town Board declare the premises unsafe and that the Town Board provide notice to the property owner requiring that same be made safe and secure or removed; and

WHEREAS, the Town Board agreed with the recommendation of the Building Inspector and instituted proceedings in accordance with Chapter 88 of the Town Code and with New York State Law to have the premises declared unsafe; and

WHEREAS, the Town Board served notice on the record owner of Section 11, Block 1, Lot 7 in accordance with Section 88-5 of the Town Code; and

WHEREAS, the record owner failed to take any action to rectify the condition of the Premises; and

WHEREAS, in accordance with the Section 88-7 of the Town Code, the Town had the property surveyed, with a recommendation of demolition and removal of the substantial buildings on the premises as a result of the dangerous conditions thereof (a copy of which is attached hereto as Exhibit A; the "Survey Report"); and

WHEREAS, the Town Board believes it is in the best interest of the Town to proceed to demolition of the buildings in accordance with the Survey Report.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands Town Board hereby authorizes the institution of an unsafe building procedure in accordance with Chapter 88 of the Code of Highlands; and

BE IT FURTHER RESOLVED, that in accordance with Section 88-8 of the Town Code, the Town Board declares the Premises a public nuisance and authorizes the Supervisor to make application to the Supreme Court of the State New York for an order determining the building and other structures a public nuisance and directing that it shall be taken down and removed; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions; and

BE IT FURTHER RESOLVED, that in accordance with the Town Code and State Law all costs and expenses incurred by the Town in connection with the unsafe building proceedings shall be assessed against the land on which said buildings and structures are located; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman voting **Absent**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Aye**

Mervin R. Livsey, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on June 11, 2012.

June Patterson, Town Clerk